

ZB# 06-52

John Pizzo

4-3-8

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted 11-13-06

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 4-3-8

In the Matter of the Application of

JOHN PIZZO

MEMORANDUM OF
DECISION GRANTING

AREA

CASE # (06-52)

WHEREAS, Gregory Shaw, P.E. represented the , owner(s) of 4-3-8, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for:

8,687 s.f. Minimum Lot Area
8ft * 15 ft * 5 ft. Front Yard Setback (Three Front Yards)
33% Developmental Coverage

For proposed New Office Building at the corners of Temple Hill Rd., Little Britain Rd. & Rt. 207 in a PO Zone (4-3-8)

WHEREAS, a public hearing was held on November 13, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant was represented by Gregory Shaw, P.E. who appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a commercial property located at the intersection of a busy state road and a busy county road in an (a) PO zone.

- (b) The property is peculiarly figured. Although the parcel is adjacent to a residential zone, the portion of that zone closest to the site is occupied by a commercial dwelling. The neighborhood is a mixed one, although, any residential dwellings nearby are pre-existing non-conforming uses.
- (c) Because of the configuration of the property, it has three front yards and is approximately triangular in shape.
- (d) After approval by the Zoning Board, the application is still subject to approval by the Planning Board.
- (e) In performing construction on the property, no trees or substantial vegetation will be removed.
- (f) In constructing the building, the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements
- (g) In constructing the building, the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (h) If the variances requested were not granted, the only building that could be placed on the property would be commercially non-feasible and strict application of the zoning laws would render the property value less.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.

6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for:

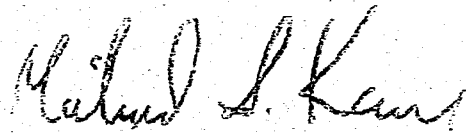
8,687 s.f. Minimum Lot Area
8ft * 15 ft * 5 ft. Front Yard Setback (Three Front Yards)
33% Developmental Coverage

For proposed New Office Building at the corners of Temple Hill Rd., Little Britain Rd. & Rt. 207 in a PO Zone (4-3-8) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: November 13, 2006



Chairman

Applicant: John Pizzo Enterprises LLC

John Pizzo Enterprises LLC owns a 34,873 SF vacant parcel of land located between Temple Hill Road, NYS Route 207, and Little Britain Road (NYS Route 207). The subject parcel is within the Professional Office (PO) Zoning District. It is the only parcel within this District as it abuts the OLI Zone (City Of Newburgh), the R-4 Zone (Flannery Animal Hospital), and the PI Zone (H-Z Development Corp./Warren Sloan/Temple Duggan & Crotty Hill Co.). John Pizzo Enterprises LLC presently has a Site Plan Application before the New Windsor Planning Board to construct a small 3,300 SF office building on this property. Associated site improvements will consist of a highway entrance, 24 parking spaces, a refuse enclosure, landscaping and lighting.

The construction of this new office will require 3 Area Variances. These Variances are for a Min. Lot Area of 8,637 SF, a Min. Front Yard Depth of 8 feet/15 feet/5 feet for the above 3 referenced highways, and a Development Coverage of 33%. The first Variance, Min. Lot Area, is for a lot that presently exists and more than likely its creation preceded New Windsor's Zoning Ordinance. The deficiency is an existing non-conforming condition which should not require a Variance. As it has been the Zoning Board of Appeals policy to request a Variance for non-conforming conditions such as this, this Variance has been incorporated into the Application.

The second Variance is for Front Yard Depth with the minimum setback distance being 45 feet. Because this property has road frontage on Temple Hill Road, NYS Route 207, and Little Britain Road (NYS Route 207), there are 3 Front Yard Depths, and 3 required Variances. The Variances are 8 feet for Temple Hill Road, 15 feet for NYS Route 207, and 5 feet for Little Britain Road (NYS Route 207). The need for 3 Variances is a direct result of having 3 Front Yards, and the unique geometry of the parcel, neither of which are self-created. Because the property has 3 Front Yards it is not possible to eliminate the Variances by some other feasible method. The 3 Variances are not substantial (8 feet/15 feet/5 feet) when considering that the size of the building is quite small at 3,300 SF. In order to comply with the 45 foot Front Yard Depth without a Variance, and assuming the construction of a structure of only 60 feet in length, the maximum building depth would be 20 feet which is not economically feasible or practical. The character of the neighborhood will not be affected as the bulk of the adjacent land is owned by the City of Newburgh (undeveloped), and the Flannery Animal Hospital. This statement is also supported by the fact that opposite Temple Hill Road are 2 lots that are also used as offices. These two lots are smaller in size than the Pizzo property at 25,000 SF and 27,500 SF.

The final Variance is for Development Coverage as 20% is allowed and 53% is requested. Because of the small size of this parcel which is a result of the 3 NYS Highways, it is not feasible to limit development to 20%. To do so would restrict Development Coverage to 6,974 SF which represents total building area, parking spaces and aisles, and sidewalks. To comply with the 20%, the building would have to be reduced to such a small size that it would be impractical to build. Because the Pizzo

property is the only parcel in this zone, because it abuts 3 other zones (OLI, PI, R-4), and because over 50% of the abutting properties are undeveloped, a statement can be made that granting the Development Coverage Variance will not produce an undesirable change in the neighborhood, and that it will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

There is no other method that the John Pizzo Enterprises LLC can feasibly pursue other than the Variances sought in this Application. In view of all the facts and circumstances presented to this Board, the Applicant respectfully requests that the Variances sought be granted.

**OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, NY**

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION

PLANNING BOARD FILE NUMBER: 05-32

DATE: 5-19-06

APPLICANT:

John Pizzo

31 Dogwood Hill Road, Newburgh, NY 12550

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 9-22-05

FOR: SITE PLAN

LOCATED AT: Temple Hill Rd (Rt.300) & Little Britain Rd (Rt.207)

ZONE: PO

DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 3 LOT: 8

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Bulk Variances Required for:

Lot Area, Front Yard setbacks (three) & Development Coverage

TOWN OF NEW WINDSOR CODE: Bulk Tables

Mark J. Edsall, P.E. P.P.
Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued

REQUIREMENTS

P.B. # **05-32**

ZONE: **PO**

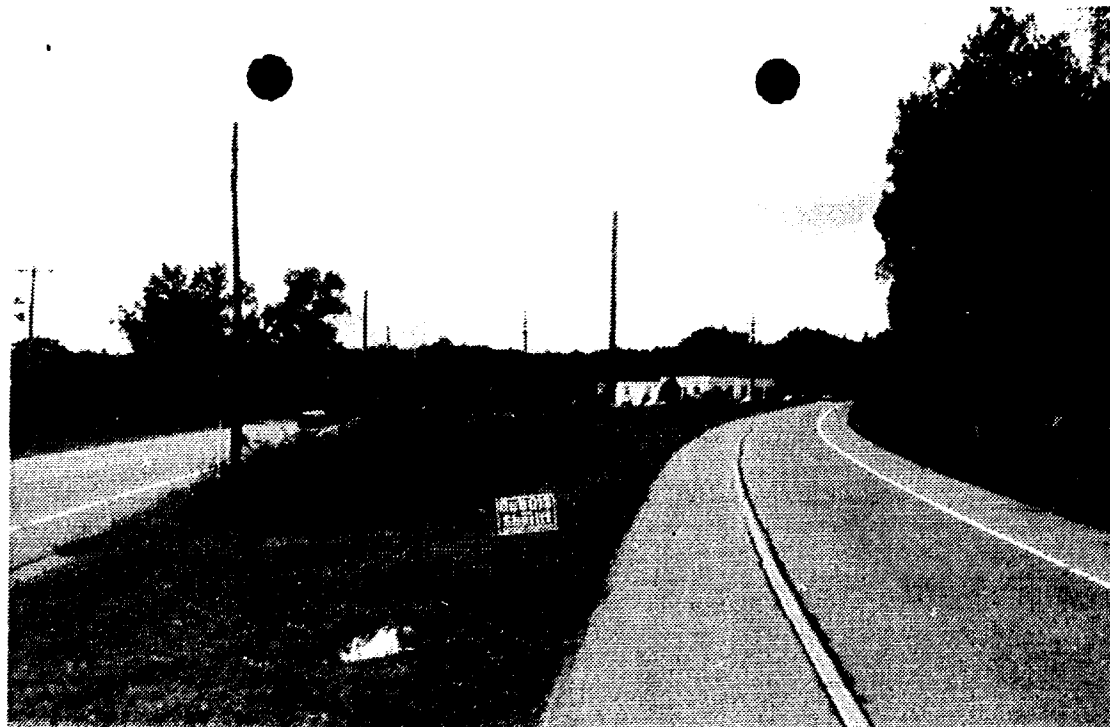
USE: **A-5**

	REQUIRED	PROPOSED	VARIANCE REQUESTED
MIN. LOT AREA	43,560 s.f.	34,873	8,687
MIN. LOT WIDTH	125 ft.	232	-
REQUIRED FRONT YARD	45 ft.	37/30/40 **	8' / 15' / 5'
REQUIRED SIDE YARD	20 ft.	n/a	-
REQUIRED TOTAL SIDE YARD	40 ft.	n/a	-
REQUIRED REAR YARD	50 ft.	n/a	-
REQUIRED FRONTAGE	70 ft.	541	-
MAX. BLDG. HT.	35 ft.	25	-
FLOOR AREA RATIO	n/a	-	-
MIN. LIVABLE AREA	n/a	-	-
DEVELOPMENTAL COVERAGE	20%	52.7 %	33 %
O/S PARKING SPACES	22	24	-

**** Front Yards setbacks (three) from Temple Hill Rd / Rt. 207 / Little Britain (207)**

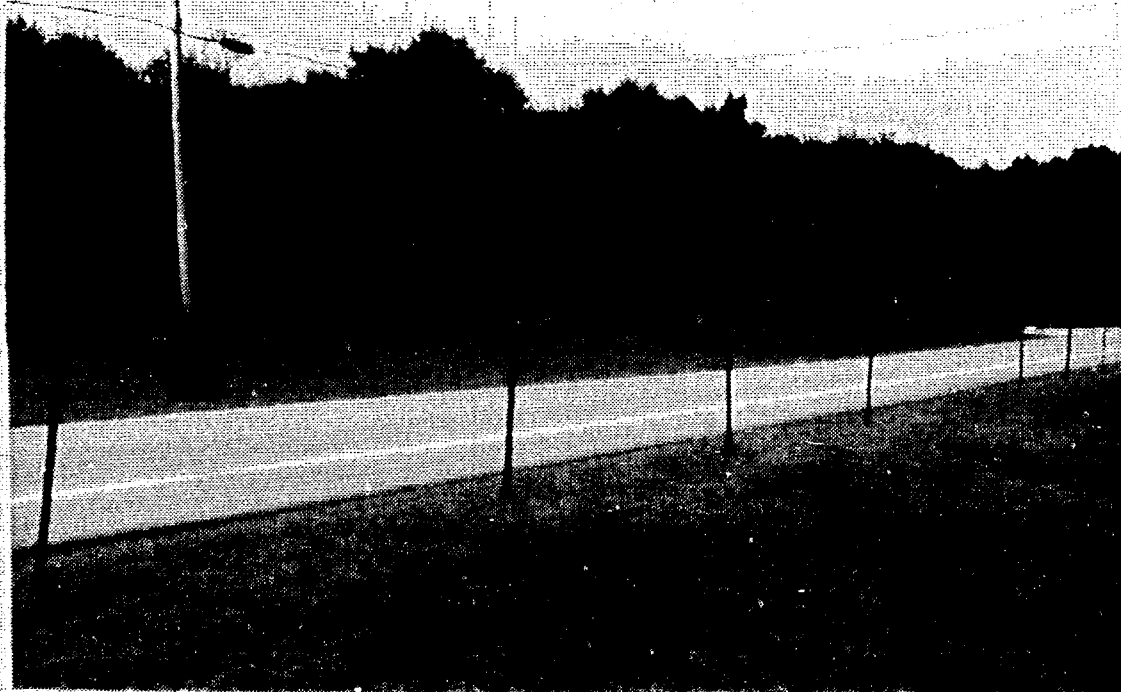
PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE









**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: APRIL 17, 2007
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 346.94 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-52

NAME & ADDRESS:

**John L. Pizzo Enterprises, Inc.
53 Rt. 17K
Newburgh, NY 12550**

THANK YOU,

MYRA

L.R.04-17-07



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #06-52 TYPE: AREA TELEPHONE:

APPLICANT:

John L. Pizzo Enterprises, Inc.
53 Rt. 17K
Newburgh, NY 12550

RESIDENTIAL:	\$ 50.00	CHECK # _____
COMMERCIAL	\$ 150.00	CHECK # <u>475</u>
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: COMMERCIAL \$500.00 CHECK # 474

~~~~~

| <u>DISBURSEMENTS:</u> |  | MINUTES<br>\$7.00 / PAGE | ATTORNEY<br>FEE |
|-----------------------|--|--------------------------|-----------------|
|-----------------------|--|--------------------------|-----------------|

|                              |          |       |                 |                 |
|------------------------------|----------|-------|-----------------|-----------------|
| PRELIMINARY:                 | <u>3</u> | PAGES | \$ <u>21.00</u> | \$ <u>35.00</u> |
| 2 <sup>ND</sup> PRELIMINARY: | —        | PAGES | \$ _____        | \$ _____        |
| PUBLIC HEARING:              | <u>7</u> | PAGES | \$ <u>49.00</u> | \$ <u>35.00</u> |
| PUBLIC HEARING:              | —        | PAGES | \$ _____        | \$ _____        |

LEGAL AD: Publish Date: 10/31/06      \$ 13.06

TOTAL:      \$ 83.06      \$ 70.00

~~~~~

ESCROW POSTED: \$ 500.00
LESS: DISBURSEMENTS: \$ 153.06

AMOUNT DUE: \$ _____

REFUND DUE: \$ 346.94

Cc:

L.R. 04-17-07

November 13, 2006

5

PUBLIC HEARINGS: _____

JOHN_PIZZO_(06-52) _____

MR. KANE: Request for 8,687 square foot minimum lot area, 8 ft, 15 ft. and 5 ft. front yard setback (three front yards) and 33% developmental coverage for proposed new office building at the corners of Temple Hill Road, Little Britain Road and Route 207.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. KANE: Is there anybody in the audience for this particular hearing that might want to speak? No, okay. Let the record show that we did receive one e-mail and I'll read it, it says to the planning board but it's to the zoning board. I am unable to attend tonight's meeting due to my being on the emergency shift tonight. My concern is about the proposed plan for property across the street from Flannery Animal Hospital, one is the drainage from the new property into the culvert, the location of the driveway into the proposed building increasing traffic at the hospital entrance, visibility of the hospital may be affected creating concerns in emergency situations when critical cases are being transported.

MR. SHAW: Thank you. If you don't mind, I'd like to read into the record the statement that went with the application which supports our variance application. It may take a minute but I think it's well worth going through it cause I think it clearly outlines and supports our case. John Pizzo Enterprises, LLC owns a 34,873, square foot vacant parcel of land located between Temple Hill Road, New York State Route 207 and Little Britain Road which is also New York State Route 207. The subject parcel is within the professional office zoning district. It is the only parcel within this district as it abuts the OLI which is the lands of

the City of Newburgh, the R-4 zone which is the Flannery Animal Hospital and the PI zone which is the H-Z Development Corporation/Warren Sloan/Temple Duggan & Crotty Hill Company. John Pizzo Enterprises, LLC presently has a site plan application before the New Windsor Planning Board to construct a small 3,300 square foot building on the property. Associated site improvements will consist of a highway entrance, 24 parking spaces, a refuse enclosure, landscaping and lighting. The construction of this office will require three area variances. These variances are for a minimum lot area of 8,637 square feet, a minimum front yard depth of 8 feet, 15 feet and 5 feet for above three referenced highways and a development coverage of 33 percent. The first variance minimum lot area is for a lot that presently exists and more than likely preceded New Windsor zoning ordinance. The deficiency is an existing non-conforming condition which should not require a variance. As it has been the Zoning Board of Appeals policy to request a variance for non-conforming conditions such as this, this variance has been incorporated into the application.

The second variance is for a front yard depth with the minimum setback distance being 45 feet. Because the property has road frontage on Temple Hill Road, New York Route 207 and Little Britain Road, there are three front yard depths thus requiring three front yards variances. The variances are 8 feet for Temple Hill Road, 15 feet for New York State Route 207 and 5 feet for Little Britain Road. The need for three variances is a direct result of having three front yards and the unique geometry of the parcel neither of which was self-created. Because the property has three front yards, it is not possible to eliminate the variances by some other feasible method. The three variances are not substantial, again, 8 feet, 15 feet and 5 feet when considering that the size of the building is quite small at 3,300 square feet. In order to comply with the 45 foot front yard depth without a variance assuming construction of a structure of only

60 feet in length, the maximum building depth would be 20 feet, thus a 1,200 square foot building which is not economically feasible or practical. The character of the neighborhood would not be affected as the bulk of the adjacent land is owned by the City of Newburgh which is undeveloped and the Flannery Animal Hospital. This statement is also supported by the fact that opposite Temple Hill Road are two lots that are used for offices. These two lots are smaller in size than the Pizzo property at 25,000 square feet and 27,500 square feet.

The final variance is for development coverage as 20 percent is allowed and 53 percent is requested. Because of the small size of the parcel which is a result of the three New York State highways, it's not feasible to limit development coverage to 20 percent. To do so would restrict development coverage to 6,974 square feet which represents total building area, parking area, aisles and sidewalks. To comply with the 20 percent, the building would have to be reduced to approximately 1,200 square feet which again would make it impractical to build. Because the Pizzo property is the only parcel in this zone, because it abuts three other zones, OLI, PI, R-4 and because over 50% of the abutting parcels are undeveloped, a statement can be made that granting development coverage will not produce an undesirable change in the neighborhood, and that will not have an adverse affect or impact on the physical or environmental conditions of the neighborhood. There is no other method that John Pizzo Enterprises, LLC can feasibly pursue other than the variances sought in this application. In view of all the facts and circumstances presented to this board, the applicant respectfully requests that the variances sought be granted.

MR. KANE: At this point, I've had a couple other people come in so I'll just ask if there's anybody here for the Pizzo application that wishes to speak? Okay, so what I'm going to do at this point is open the

public portion of the meeting and close it since nobody's here and ask Myra how many mailings we had.

MS. MASON: On November 1st, I mailed out 12 addressed envelopes and had one response read into the minutes.

MR. KANE: Response was read into the minutes. Could you just address those issues in this response?

MR. SHAW: I met with Dr. Puccio this week, last week I should say he was and is a client of mine and as a courtesy to him, he asked if he could come to the office and go over this application and the issues that we've presented to you. I guess I kind of educated him on when I told him with respect to the storm drainage that we're draining into a New York State DOT culvert and we have submitted drawings and drainage report to the DOT showing that there is no more drainage running off our site after development and before, we're putting in an on-site storm water detention system and that's a planning board issue but certainly worthy of a response to Dr. Puccio and this board. With respect to the entrances, we have no control over it. The DOT will not let us come off Temple Hill Road, this portion of New York State 207 is one way therefore we're coming off Old Little Britain Road and they're going to want to be as far away from the intersection as possible to avoid any possible accidents. We're not opposite his highway entrance, we're offset it, so that seemed to satisfy him and with regard to the third comment, I can't even begin to address it.

MR. KANE: And I think the third comment is a non-issue having seen his building and how far off it is, there's nothing that's going to block it, this is also a one story buildings that's going up.

MR. SHAW: One thing I'd like to point out this is a very visual site and the planning board has let us know that very clearly and when we return back to the board

assuming that we get the variances they are going to request that we do a rendering of the building and the landscape along here, this is a historical district and being as visual as it is they're going to want to make sure that it's done right. So I think the doctor will be happy.

MR. KANE: The normal question is cutting down any substantial vegetation and trees in the building of the new building?

MR. SHAW: No.

MR. KANE: You have already answered the question, just repeating it, as far as creating any water hazards or water issues we already discussed that.

MR. SHAW: No.

MR. KANE: Any further questions from the board?

MR. LUNDSTROM: Any easements?

MR. KANE: Any easements running through the property?

MR. SHAW: No.

MR. KANE: Going to be on town water and sewer?

MR. SHAW: Correct.

MR. SHAW: I mentioned the size of the building that would fit on the plan according to zoning and that red box is what all that could be built 20 x 60 foot building without requiring any variances, it's quite a unique piece.

MR. KANE: Let the record show there's more than enough parking spaces too. So any further questions from the board?

MR. LUNDSTROM: Visually what would you consider the front of the building facing 207 or Temple Hill?

MR. SHAW: I would think it would be the intersection of Old Little, this is my opinion now, the intersection of Old Little Britain Road and Temple Hill Road, I would think that this would be the front of the building. But that's my guess. That's an architectural issue, okay, but if I had to make the bet that's where I think the front elevation would be with the one-way traffic on 207 being the rear.

MR. TORPEY: It's a shame you can't shape the building the size of the property.

MR. SHAW: It would be very small offices.

MR. TORPEY: Put a high-rise.

MR. SHAW: Well--

MS. LOCEY: Where will the entrance be in relation to the driveway that goes into the Flannery Animal Hospital?

MR. SHAW: As best as we can determine, Dr. Puccio and I sat and talked together, it was approximately in this area, it's just I told him to go to this culvert when he wanted to physically go in the field, go to this culvert that crosses the road and look to where his entrance is and then compare it to ours. So he's more towards the east than we are.

MR. KANE: Any other questions? I'll accept a motion.

MR. LUMDSTROM: Mr. Chairman, I will offer a motion that the application of John Pizzo three items requested for 8,687 square foot minimum lot area, number 2 is an 8 foot, 15 foot and 5 foot front yard

November 13, 2006

11

setback because there are three front yards and third item would be 33 percent development coverage, motion is that that application be approved.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Invoice

Date	Invoice #
11/17/2006	8469

Bill To

TOWN OF NEW WINDSOR
555 UNION AVE
NEW WINDSOR, NY 12553

RECEIVED

DEC 12 2006

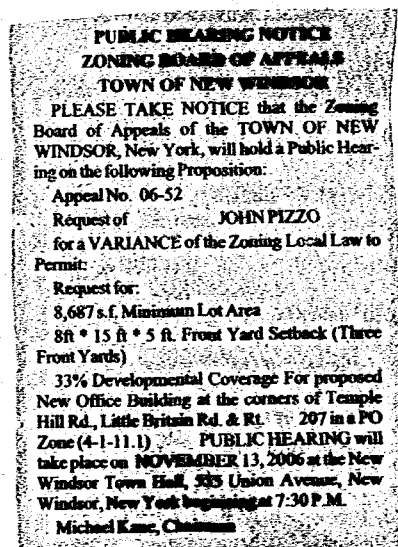
MU

P.O. No.	Terms	Project
47032	Due on receipt	

Issue Date	Description	PCS/Units	Amount
10/31/2006	LEGAL ADS: PIZZO APPEAL NO. 06-52 1 AFFIDAVIT	9.06 4.00	9.06 4.00
Total			\$13.06

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845)
562-1218

Posted



State of New York
County of Orange, ss:
Patricia Quill being duly sworn
disposes and says that she is The
Supervisor of Legal Dept. of the
E.W. Smith Publishing Company;
Inc. Publisher of The Sentinel, a
weekly newspaper published and
of general circulation in the Town
of New Windsor, Town of
Newburgh and City of Newburgh
and that the notice of which the
annexed is a true copy was
published in said newspaper,

17 commencing on
the 31 day of Oct A.D., 2006
and ending on the 31 day of
Oct A.D. 2006

Patricia Quill

Subscribed and shown to before
me this 30th day of Nov, 2006

Deborah Green

Notary Public of the State of New
York County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4934085

My commission expires July 15, '07.



RESULTS OF Z.B. MEETING OF: November 13, 2006

PROJECT: John Pizzo ZBA # 06-52
P.B.# _____

P.B.# _____

USE VARIANCE: **NEED: EAF** _____ **PROXY** _____

LEAD AGENCY: M)_____S)_____ VOTE: A____ N_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**____ **N**_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M)____S)____ VOTE: A____ N____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓
VARIANCE APPROVED: M) Lu S) 1 VOTE: A 5 N 0.

GANN	A
LUNDSTROM	A
LOCEY	A
TORPEY	A
KANE	A

CARRIED: Y ✓ N .

November 13, 2006.

Myra Mason

From: Tutvet86@aol.com
Sent: Monday, November 13, 2006 12:25 PM
To: Myra Mason
Subject: (no subject)

To the Planning Board,

I am unable to attend tonight's meeting due to my being on the emergency shift tonight.

My concerns about the proposed plan for the property across the street from Flannery Animal Hospital include:

- 1 - Water draining from the new property into the culvert.
- 2 - Location of the driveway into the proposed building increasing traffic at the hospital entrance.
- 3 - Visibility of the hospital may be affected creating concerns in emergency situations when critical cases are being transported.

Thank you,
Frank Puccio, DVM

Read into the minutes at Public Hearing 11/13/06.

11/13/2006

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

JOHN PIZZO

AFFIDAVIT OF SERVICE BY MAIL

#06-52

X

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 1ST day of **NOVEMBER**, 2006, I compared the 12 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

13th day of November, 2006

Deborah Green
Notary Public

DEBORAH GREEN
 Notary Public, State of New York
 Qualified in Orange County
 # 4934065
 Commission Expires July 15, 2007

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 06-52

Request of JOHN PIZZO

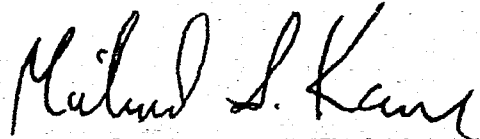
for a VARIANCE of the Zoning Local Law to Permit:

Request for:

8,687 s.f. Minimum Lot Area
8ft * 15 ft * 5 ft. Front Yard Setback (Three Front Yards)
33% Developmental Coverage

For proposed New Office Building at the corners of Temple Hill Rd., Little Britain Rd. & Rt. 207 in a PO Zone (4-1-11.1)

PUBLIC HEARING will take place on NOVEMBER 13, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

October 11, 2006

John Pizzo
Corner Rt. 207 & Rt. 300
New Windsor, NY 12553

Re: 4-1-11.1 ZBA#: 06-52 (12)

Dear Mr. Pizzo:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00 minus your deposit of \$25.00.

Please remit the balance of \$ 10.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/rah
Attachments

CC: Myra Mason, Zoning Board

4-1-10, 4-1-12.2
NEWBURGH WATER SUPPLY
C/O COMPTROLLER, CITY HALL
NEWBURGH, NY 12550

6-1-32
NICHOLAS &
JUANITA RONSINI
546 TEMPLE HILL RD.
NEW WINDSOR, NY 12553

4-1-11.2
DA ASSOCIATES LLC
PO BOX 7396
NEWBURGH, NY 12550

6-1-33
ROSE RONSINI
544 TEMPLE HILL RD.
NEW WINDSOR, NY 12553

4-3-7, 4-3-18
HZ DEVELOPMENT PARTNERS
LLC A NY LLC
27 RT. 210
STONY POINT, NY 10980

4-3-8
WARREN SLOAN JR.
PO BOX 4545
NEW WINDSOR, NY 12553

4-3-9.1
ST. ROBO REALTY GROUP INC.
563 TEMPLE HILL RD.
NEW WINDSOR, NY 12553

4-3-10.12
SCENIC PROPERTIES LLC
335 TEMPLE HILL RD.
NEW WINDSOR, NY 12553

4-3-17.4
WILLIAM HELMER
27 ROUTE 210
STONY POINT, NY 10980

6-1-27
AMERICO & ROSE ANGELONI
554 TEMPLE HILL RD.
NEW WINDSOR, NY 12553

6-1-29, 6-1-30
DA ASSOCIATES LLC
789 LITTLE BRITAIN RD.
NEW WINDSOR, NY 12553

6-1-31
LBR REALTY LLC
PO BOX 7396
NEWBURGH, NY 12550

PRELIMINARY MEETINGS

JOHN_PIZZO_(06-52)

MR. KANE: Request for 8,687 square foot minimum lot area, 8 foot, 15 foot and 5 foot front yard setback (three front yards) and 33% developmental coverage for proposed new office building at the corners of Temple Hill Road, Little Britain Road and Route 207 in a PO zone.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: For the record, my name is Greg Shaw and I'm representing Pizzo Enterprises for requests for variances before the zoning board.

(Whereupon, Mr. Lundstrom entered the room.)

MR. SHAW: As the chairman mentioned, we're here before the board tonight to ask for a couple of variances, one is for the minimum lot area in the PO zone, you're obligated to provide 43,560 square feet and we're providing 34,783 square feet. I'd like to point out to the board that I think the size of that lot preceded zoning and it could be treated as an existing non-conforming condition but as it is, the board's policy when you come before them is to ask for variances, you also require that the variances be presented for the non-conforming conditions, therefore, that's why that's on the variance list. The second variance as the chairman said is for the setbacks in a PO zone. We're obligated to provide a 45 foot front yard setback. We have three of them therefore we're obligated to provide that distance from all three highways. What we're providing are 37, 30 and 40 which leaves a resultant three front yard variances of 8 feet, 15 feet and 5 feet. And finally with respect to the development coverage, your PO zone limits you to 20

percent and we're proposing 52.7 percent, therefore, requesting a variance of 33 percent. Now, those numbers may sound large but they're really not. I'm sure everyone on the board is familiar with this parcel, it's quite unique in that it is an island sandwiched between three state highways, it's rather small, about 35,000 square feet and we have presented a site plan where we're proposing to construct a one story office building 3,300 square feet, that's all the site can support. With respect to the parking, we have provided more than enough spaces so we're not asking for a variance for that, it's just that we cannot comply with the setback requirements. I did a little math and if we were to build within the building envelope after the setbacks are established and assuming that the building is a length of 60 feet which isn't very long, the maximum depth this office building could be would be 20 feet, a 1,200 square foot office is just not practical. So with that, we're asking that the board consider our variances and set us up for a public hearing. I did submit in the application a rather lengthy narrative which presents my case. If the board wants me, I will go through that or we can save that for the public hearing.

MR. KANE: We can save that, Greg. Just to clarify, you did say one story?

MR. SHAW: One story. And I may want to add that when this was presented to the planning board for a referral over to this board, they sent us with a positive recommendation. They also forewarned us that because this is on a, what is it, Mike, what type of an overlay, architectural overlay, Freedom Road?

MR. BABCOCK: Historical corridor.

MR. SHAW: They're going to want to see an architectural rendering when we return back but we did get a favorable response. Thank you, Mike.

September 25, 2006

5

MR. KANE: We all know the lot. I have no further questions at this point, no questions at all at this point. What about anybody on the board? Any questions at this point? Set him up for the public hearing, I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of John Pizzo for his requested variances as listed on the agenda of the September 25, 2006 Zoning Board of Appeals meeting.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: We'll read this and be ready at the public hearing.

MR. SHAW: Thank you.



RESULTS OF Z.B.A. MEETING OF: September 25, 2006

PROJECT: John Pizzo

ZBA # 06-52

P.B.#

USE VARIANCE: NEED: EAF PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y_____N_____

PUBLIC HEARING: M)_____ S)_____ VOTE: A_____ N_____

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y_____N_____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y_____N_____

APPROVED: M)_____S)_____ VOTE: A_____N_____

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y_____N_____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Lo S) G VOTE: A 5 N 0

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y ✓ N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES _____
VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____.

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y N .

[illegible]

TOTAL CHARGES:

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#764-2006

09/22/2006

John Pizzo Enterprises

Received \$ 150.00 for Zoning Board Fees, on 09/22/2006. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

~~RB 06-26~~

ZBA # 06-52

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 09-22-06

FOR: ESCROW 06-52

FROM:

John L. Pizzo Enterprises, Inc.
53 Rt. 17K
Newburgh, NY 12550

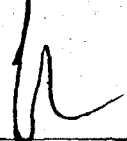
CHECK FROM:
SAME

CHECK NUMBER: 474

TELEPHONE: 561-2919

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

9/22/06

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

PROJECT ID NUMBER

617.20
APPENDIX C

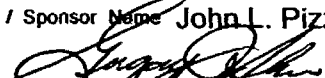
SEQR

STATE ENVIRONMENTAL QUALITY REVIEW

SHORT ENVIRONMENTAL ASSESSMENT FORM

for UNLISTED ACTIONS Only

PART 1 - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR John L. Pizzo Enterprises	2. PROJECT NAME New Office Bldg For John L. Pizzo Enterprises
3. PROJECT LOCATION: Town Of New Windsor Municipality	Orange County
4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map Intersection of NYS Route 300 and NYS Route 207	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration	
6. DESCRIBE PROJECT BRIEFLY: Construction of a 3,300 SF office building on a 0.80 acre parcel along with 24 off-site parking spaces	
7. AMOUNT OF LAND AFFECTED: Initially 0.80 acres Ultimately 0.80 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, describe briefly: 3 Front Yard Variances Required	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park / Forest / Open Space <input type="checkbox"/> Other (describe)	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit / approval: NYSDOT - Highway Entrance Permit Planning Board - Site Plan Approval	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit / approval:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant / Sponsor Name John L. Pizzo Enterprises LLC Date: August 3, 2006 Signature 	

If the action is a Coastal Area, and you are a state agency,
complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: <div style="border: 1px solid black; padding: 5px; min-height: 20px;">No</div>	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: <div style="border: 1px solid black; padding: 5px; min-height: 20px;">No</div>	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: <div style="border: 1px solid black; padding: 5px; min-height: 20px;">No</div>	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: <div style="border: 1px solid black; padding: 5px; min-height: 20px;">No</div>	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: <div style="border: 1px solid black; padding: 5px; min-height: 20px;">No</div>	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: <div style="border: 1px solid black; padding: 5px; min-height: 20px;">No</div>	
C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly: <div style="border: 1px solid black; padding: 5px; min-height: 20px;">No</div>	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <div style="border: 1px solid black; padding: 5px; min-height: 30px;"></div>	
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <div style="border: 1px solid black; padding: 5px; min-height: 30px;"></div>	

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.	
<div style="display: flex; justify-content: space-between;"><div><div style="border-bottom: 1px solid black; width: 40%; text-align: center;">New Windsor Zoning Board Of Appeals</div><div style="font-size: small;">Name of Lead Agency</div><div style="border-bottom: 1px solid black; width: 40%; text-align: center;">Print or Type Name of Responsible Officer in Lead Agency</div><div style="font-size: small;">Signature of Responsible Officer in Lead Agency</div></div><div><div style="border-bottom: 1px solid black; width: 40%; text-align: center;">Date</div><div style="font-size: small;">Chairman</div><div style="border-bottom: 1px solid black; width: 40%; text-align: center;">Title of Responsible Officer</div><div style="font-size: small;">Signature of Preparer (If different from responsible officer)</div></div></div>	



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

Aug 3, 2006

Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

I. **Owner Information:** Phone Number: () 561-2919
John L. Pizzo Enterprises, LLC Fax Number: ()

(Name)

53 Route 17K, Newburgh, NY 12550

(Address)

II. **Applicant:** Phone Number: ()
Same As Owner Fax Number: ()

(Name)

(Address)

III. **Forwarding Address, if any, for return of escrow:** Phone Number: ()
Same As Owner Fax Number: ()

(Name)

(Address)

IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number () 561-3695
Fax Number: () 561-3027

Gregory J. Shaw P.E.

(Name)

744 Broadway, Newburgh, NY 12550

(Address)

V. **Property Information:**

Zone: PO Property Address in Question:

Lot Size: .80 Ac. Tax Map Number: Section 4 Block 1 Lot 11.1

- a. Is pending sale or lease subject to ZBA approval of this Application? No
- b. When was property purchased by present owner?
- c. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

Section_____, Table of_____ Regs., Col. _____.

Describe proposal:

- VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area	43,560 sf	34,873 sf	8,687 sf
Min. Lot Width	125 ft.	232 ft.	--
Reqd. Front Yd.	45 ft.	37' / 30' / 40' ***	8' / 15' / 5'
Reqd. Side Yd.	20ft./40ft.	N/A / N/A	--
Reqd. Rear Yd.	50 ft	N/A	--
Reqd. St Front*	70 ft.	541 ft	--
Max. Bldg. Hgt.	35 ft	25 ft	--
Min. Floor Area*	--	--	--
Dev. Coverage*	20%	52.7%	33%
Floor Area Ration**	N/A	--	--
Parking Area	22 spaces	24 spaces	--

*Residential Districts Only

**Non-Residential Districts Only

*** Front Yard setbacks (three) from Temple Hill Road,
NYS Route 207/Little Britain Road (NYS Route 207)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

Refer To Attachment

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____

- (b) Describe in detail the proposal before the Board:

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

Refer To Attachment

XIII. ATTACHMENTS REQUIRED:

- ☒ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☒ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☒ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☒ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☒ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☒ Photographs of area that variances is being requested for showing relationship to property lines (5 or 6) from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

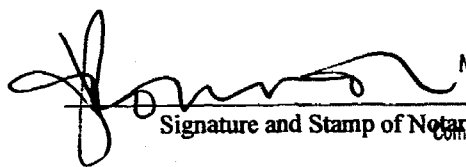
The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

15th day of June 2006.


Owner's Signature (Notarized)

John L. Pizzo Enterprises LLC
Owner's Name (Please Print)


Signature and Stamp of Notary

NANCY M. SHANNON
NOTARY PUBLIC, State of New York
Qualified in Ulster County
No. 4857341
Commission Expires Aug. 18, 2006

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

John L. Pizzò Enterprises, LLC it conducts business
(OWNER) deposes and says that he resides

at 53 Route 17K, Newburgh in the County of Orange
(OWNER'S ADDRESS)

and State of New York and that ^{it} ~~he~~ is the owner of property tax map

(Sec. 4 Block 1 Lot 11.1)
designation number (Sec. Block Lot) which is the premises described in

the foregoing application and that ^{it} ~~he~~ authorizes:

(Applicant Name & Address, if different from owner)

Gregory J. Shaw, P.E.

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: 6/15/06

Sworn to before me this:

15th day of June 2006

**


Owner's Signature (MUST BE NOTARIZED)

Applicant's Signature (If different than owner)


Signature and Stamp of Notary

NANCY M. SHANNON
NOTARY PUBLIC, State of New York
Qualified in Ulster County
No. 4867341
Commission Expires Aug. 18, 2006

Representative's Signature

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

COMPLETE THIS PAGE ☐

NOTES

1. ZONING DISTRICT: PO, PROFESSIONAL OFFICE
2. TOTAL PARCEL AREA: 0.801 ACRES
3. TAX MAP DESIGNATION: SECTION 4, BLOCK 1, LOT 111
4. RECORD OWNER: JOHN L. PIZZO ENTERPRISES, LLC
53 ROUTE 17K
NEWBURGH, NEW YORK 12550
5. THE LOCATIONS OF EXISTING UTILITIES ARE TO BE CONSIDERED AS APPROX. PRIOR TO EXCAVATION THE CONTRACTOR SHALL VERIFY THEIR LOCATIONS.
6. UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION (U.F.P.O.) SECTION 1103 OF THE PUBLIC SERVICE LAW, ARTICLE 36 OF THE GENERAL BUSINESS LAW AND INDUSTRIAL CODE RULE 53 REQUIRES (2) WORKING DAYS NOTICE BEFORE EXCAVATION, DRILLING OR BLASTING, UNDERGROUND UTILITIES CALL CENTER TEL. NO. 1-800-462-1162. CONTRACTOR SHALL PROTECT AND PRESERVE UTILITY MARKINGS.
7. BOUNDARY, PLANIMETRIC AND TOPOGRAPHIC SURVEY INFORMATION OBTAINED FROM DRAWING ENTITLED "BOUNDARY / TOPOGRAPHIC SURVEY FOR JOHN PIZZO", PREPARED BY WILLIAM B. HILDRETH, LAND SURVEYOR, F.C. AND DATED APRIL 30, 1991.
8. SIGHT DISTANCES AT THE INTERSECTION OF THE PROJECT ENTRANCE AND LITTLE BRITAIN ROAD WERE MEASURED FROM A POINT 3.75 FEET ABOVE THE GROUND SURFACE AND 12 FEET BACK FROM THE PROJECT ENTRANCE'S INTERSECTION WITH THE EDGE OF PAVEMENT OF LITTLE BRITAIN ROAD TO A POINT 4.5 FEET ABOVE THE ROAD SURFACE ON LITTLE BRITAIN ROAD AT THE POINT SIGHTED.

ZONING SCHEDULE

ZONE PO - PROFESSIONAL OFFICE
BULK REGULATIONS OF PO ZONE, A-3 PROFESSIONAL AND BUSINESS OFFICES

	REQUIRED	PROVIDED
MIN. LOT AREA	43560 S.F.	34,813 S.F.*
MIN. LOT WIDTH	125 FT.	232 FT.
FRONT YARD DEPTH	45 FT.	30 FT.*
SIDE YARD WIDTH - ONE	20 FT.	N/A
SIDE YARD WIDTH - TWO	40 FT.	N/A
REAR YARD DEPTH	50 FT.	N/A
REQ'D STREET FRONTAGE	70 FT.	541 FT.
MAX. BLDG. HEIGHT	35 FT.	25 FT.
DEVELOPMENT COVERAGE	20 %	52.1 %

OFF-STREET PARKING:

	REQUIRED	PROVIDED
OFFICE		
1 SPACE PER 150 S.F. OF FLOOR AREA IN SALES USE (3,000 S.F. / 150 S.F. PER SPACE)	22 SPACES	24 SPACES

* DENOTES A VARIANCE IS REQUIRED FROM THE ZONING BOARD OF APPEALS
ONE SIDE YARD, TWO SIDE YARDS AND REAR YARD DEPTHS ARE NOT APPLICABLE AS THE SITE CONTAINS 3 FRONT YARDS.

LEGEND

EXISTING	NEW
312 2' CONTOUR	314 FINISHED GRADE
310 10' CONTOUR	CATCH BASIN
BOUNDARY	33' x 5' CATCH BASIN
ADJ. PROPERTY LINE	45' ST. STORM DRAIN
CATCH BASIN	514.5 SPOT ELEV. 314.5
SANITARY MANHOLE	HOODED LINE
HYDRANT	MACADAM PAVEMENT
UTILITY POLE	
4" S. SANITARY SEWER	
10" W. WATER MAIN	
4" S. ST. STORM SEWER	
+310.7 SPOT ELEVATION 310.7	
HOODED LINE	

